

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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TYLER HARRIS,

v.

Plaintiff,

DEMOCRATIC NATIONAL COMMITTEE,
et al.,

Defendants.

Case No. 2:25-cv-00428-MMD-NJK

ORDER

I. SUMMARY

Plaintiff is attempting to sue both the Democratic and Republican National Committees for violating the 22nd Amendment and the Sherman Act based on his assertion that the President has been a member of one of those two parties since the Nineteenth Century. (ECF No. 1-1.) Before the Court is the Report and Recommendation of United States Magistrate Judge Craig S. Denney (ECF No. 6 (“R&R”)) recommending that the Court dismiss this case—with prejudice—as frivolous. Plaintiff filed an objection to the R&R (ECF No. 11), along with a motion to change the title of this case to ‘Harris v. Democrat-Republican Party’ (ECF No. 9), and a motion for leave to file an amended complaint (ECF No. 10). Because the Court agrees with Judge Denney that the allegations in the Complaint are frivolous, otherwise finds that amendment would be futile, and as further explained below, the Court will adopt the R&R, overrule Plaintiff’s objection, deny the pending motions, and dismiss this putative case with prejudice.

II. DISCUSSION

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the Court is required to “make a de novo determination of those portions of the [report and

1 recommendation] to which objection is made." *Id.* In his objection, Plaintiff concedes his
 2 Complaint was vague and states that he has filed an amendment, briefly addresses
 3 several cases he has recently filed in this District (in an apparent response to Judge
 4 Denney's list of cases that Plaintiff has recently filed in a footnote (ECF No. 6 at 2 n.2)),
 5 and then goes on to list some grievances regarding DEI, marijuana, the unhoused, and
 6 immigration. (ECF No. 11.) But because Plaintiff filed an objection, the Court liberally
 7 construes him as objecting to Judge Denney's core recommendation to dismiss this
 8 putative case with prejudice. The Court's review is thus *de novo* as to Judge Denney's
 9 recommendation for dismissal because Plaintiff filed his objection.

10 Plaintiff's putative case is frivolous because the conclusory allegations in his
 11 Complaint rely entirely on two unviable legal theories. In his Complaint, Plaintiff seeks
 12 \$100 million from the Republican and Democratic parties because, "[s]ince 1801
 13 Democrat and Republican have been the only United States presidents." (ECF No. 1-1 at
 14 9.) He otherwise appears to assert that this situation violates the 22nd Amendment and
 15 the Sherman Act. (*Id.* at 5-6.) However, the 22nd Amendment, on its face, applies to
 16 "person[s]," not the parties to which they belong. U.S. Const. amend. XXII(1). This view
 17 is broadly held. See, e.g., Ronald D. Rotunda, John E. Nowak, *TREATISE ON*
 18 *CONSTITUTIONAL LAW-SUBSTANCE & PROCEDURE*, § 9.19(d)(i) *Popular Efforts to Impose*
 19 *Term Limits*, 2 *Treatise on Const. L.* § 9.19(d)(i) (Jul. 2024 Update) ("[T]he U.S.
 20 Constitution, since 1951, provides that the President is limited to two terms of office.")
 21 (footnote omitted). And the purpose of the Sherman Act is "suppress[ing] [business]
 22 combinations to restrain competition and attempts to monopolize by individuals and
 23 corporations[.]" *Parker v. Brown*, 317 U.S. 341, 351 (1943). But the national political
 24 committees Plaintiff seeks to sue here are not individuals or corporations—they are
 25 instead, "organization[s] which, by virtue of the bylaws of a political party, [are]
 26 responsible for the day-to-day operation of such political party at the national level, as
 27 determined by the [Federal Election] Commission." *Fed. Election Comm'n v. Colorado*
 28 *Republican Fed. Campaign Comm.*, 533 U.S. 431, 439 n.2 (2001) (citation omitted). Thus,

1 the Sherman Act does not apply to Plaintiff's generalized grievance with the effectively
 2 two-party political system. And in sum, on de novo review, Plaintiff's Complaint is
 3 frivolous. Judge Denney reached the correct conclusion in his R&R.

4 Moreover, amendment of these two claims would be futile. In his motion for leave
 5 to amend, Plaintiff asserts basically the same two theories addressed and rejected above,
 6 but also states the "Democrat-Republican party" has kept him from holding the office of
 7 the presidency, has slandered and harassed him, and then moves on to asserting that he
 8 "has had police and psychologists lie about him and been tortured with drugs and
 9 imprisoned without being given a trial by jury for working on bringing together influential
 10 people for his cause." (ECF No. 10 at 2.) But even with these troubling allegations, the
 11 theories Plaintiff seems to present in his motion to amend remain the same "claims of
 12 infringement of a legal interest which clearly does not exist" addressed above and
 13 otherwise constitute an example of "frivolous claims describing fantastic or delusional
 14 scenarios[.]" *Neitzke v. Williams*, 490 U.S. 319, 327 (1989). Moreover, Plaintiff does not
 15 attach a copy of his proposed, amended complaint in violation of LR 15-1, nor explain his
 16 proposed amendments in sufficient detail to allow the Court to reasonably infer that
 17 amendment would be anything other than futile. See *Cato v. United States*, 70 F.3d 1103,
 18 1105 (9th Cir. 1995) ("it is clear that this complaint cannot be cured by amendment"). The
 19 Court will deny Plaintiff's motion for leave to file an amended complaint.

20 And the Court will accordingly also overrule Plaintiff's objection and adopt Judge
 21 Denney's recommendation to dismiss this putative case with prejudice. Having decided
 22 to take that approach, the Court will deny Plaintiff's motion for title change (ECF No. 9)
 23 and application to proceed *in forma pauperis* (ECF No. 1-1) as moot.

24 **III. CONCLUSION**

25 It is therefore ordered that United States Magistrate Judge Craig S. Denney's
 26 report and recommendation (ECF No. 6) is accepted and adopted in full.

27 It is further ordered that Plaintiff's objection to the R&R (ECF No. 11) is overruled.

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1 It is further ordered that Plaintiff's motion for leave to file an amended complaint
2 (ECF No. 10) is denied because amendment would be futile.

3 It is further ordered that this case is dismissed, in its entirety, with prejudice.

4 It is further ordered that Plaintiff's motion for title change (ECF No. 9) is denied as
5 moot.

6 It is further ordered that Plaintiff's application to proceed *in forma pauperis* (ECF
7 No. 1) is denied as moot.

8 The Clerk of Court is directed to enter judgment accordingly and close this case.

9 DATED THIS 23rd Day of April 2025.

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11 MIRANDA M. DU
12 UNITED STATES DISTRICT JUDGE

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